INTERSTATE COMMERCE — WHAT CONSTITUTES INTERSTATE COMMERCE — CONSIGNEE ACTING AS PRINCIPAL IN MAKING DELIVERIES. — The plaintiff took orders for automobiles in a restricted selling district in Pennsylvania, receiving cash deposits, which it remitted to the manufacturer in New York. On paying drafts for the balance of the list price, less a discount, the plaintiff received automobiles consigned to it from the factory and delivered them to the purchasers on receipt of payment. The plaintiff was taxed on these sales under a Pennsylvania statute. *Held*, that the tax is not invalid as a restraint on interstate commerce. *Banker Brothers Co.* v. *Commonwealth of Pennsylvania*, 32 Sup. Ct. 38.

In 24 HARV. L. REV. 324, it was submitted that the original-package doctrine only furnishes one test of whether a shipment is terminated. In this case the court properly makes that the important question and decides it by finding that the consignee acted as a principal in making deliveries and not as the agent in a continuous shipment.

JUDGMENTS — COLLATERAL ATTACK — PRESUMPTION OF JURISDICTION WHERE SERVICE IS BY PUBLICATION. — In an action to quiet title to land the defendant set up a sheriff's deed under a decree of foreclosure against the plaintiff's grantor, who was a non-resident. Except for a recital in the decree that due notice of the action was given the defendants, the record failed to show any service of summons or service by publication. *Held*, that the decree is not a bar to the plaintiff's action. *Duval* v. *Johnson*, 133 N. W. 1125 (Neb.).

Where the record shows want of jurisdiction on its face, a judgment may be attacked collaterally. *O'Malley* v. *Fricke*, 104 Wis. 280, 80 N. W. 436. Where the record does not affirmatively show lack of jurisdiction, there will ordinarily be at least a presumption in favor of the validity of a judgment of a court of general jurisdiction. *Gulickson* v. *Bodkin*, 78 Minn. 33, 80 N. W. 783. It has, however, been held that where there is service by publication the record must affirmatively show that the statute authorizing service by publication has been complied with; since this is a method of acquiring jurisdiction not in accordance with common-law proceedings. *Galpin* v. *Page*, 18 Wall. (U. S.) 350; *Furgeson* v. *Jones*, 17 Or. 204, 20 Pac. 842. There seems to be no reason on principle why the presumption with regard to the validity of a judgment of a court of general jurisdiction should vary with the method of service. This distinction has not met with general favor. *Hahn* v. *Kelly*, 34 Cal. 391; *Adams* v. *Cowles*, 95 Mo. 501, 8 S. W. 711. And the Supreme Court of the United States, which decided the leading case in support of the distinction, has since practically refused to follow it. *Applegate* v. *Lexington, etc. Mining Co.*, 117 U. S. 255, 6 Sup. Ct. 742.

LIBEL AND SLANDER — DAMAGES — MITIGATION OF DAMAGES; TRUTH OF PART OF ARTICLE NOT DECLARED ON. — Defendant published an article charging plaintiff with inhuman treatment towards his wife and also adultery. The complaint set up only the part referring to the adultery. The defendant set up in answer the entire article and offered to prove the truth of the part alleging cruelty. *Held*, that such a defense is properly pleaded in mitigation of damages. *Osterheld* v. *Star Co.*, 146 N. Y. App. Div. 388, 131 N. Y. Supp. 247.

The plaintiff's specific acts of misconduct may not be shown to reduce damages for a libel. *Scott* v. *Sampson*, 8 Q. B. D. 491. Two reasons for the decision in the principal case suggest themselves. First, when injury to reputation exists, injury to feelings is also considered as deserving redress. Logically, only the suffering caused by social opprobrium merits compensation; but this distinction has not been made, and anguish due to the insult's direct effect is included. *Rea* v. *Harrington*, 58 Vt. 181, 2 Atl. 475; *Zeliff* v. *Jennings*, 61 Tex. 458. But see 1 WIGMORE, EVIDENCE, § 209. In actions for indecent assault